**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**
**&**
**THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

**THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929**

**Mat.Appeal.No. 299 of 2007()**
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**OP.745/2001 of FAMILY COURT,THRISSUR**
**.....**

**PETITIONER: PETITIONER:**
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**A.A.SUKUMARAN, S/O AATTOOR VEETTIL**
**AYYAPPAN, MUNDOOR DESOM, THRISSUR TALUK.**

**BY ADV. SRI.P.VIJAYA BHANU**
**SRI.M.GEORGE THOMAS**

**RESPONDENT: RESPONDENT:-**
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**SINDHU, D/O KALAPPATTIL VEETTIL BALAN,**
**MAYILIPPADAM DESOM, THRISSUR TOWN,**
**THRISSUR TALUK.**

**BY ADV. SRI.K.A.SREEJITH**

**THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**KURIAN JOSEPH,**
**&**
**T.R.RAMACHANDRAN NAIR, JJ.**

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**Mat.Appeal.No.299 of 2007.**
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**Dated this the 12th day of July, 2007.**

**J U D G M E N T**

**Kurian Joseph, J.**

**This appeal is filed against the order in OP.No.745/2001 of the Family Court, Thrissur. The said petition was filed by the appellant herein seeking restitution of conjugal rights. The same was dismissed only on the ground that petition filed by the respondent wife for divorce is pending as OP.No.310/2003. Merely because a divorce application is pending, an application for restitution of conjugal rights need not be rejected on this sole ground. Having regard to the facts and circumstances of the case, the Family Court, Thrissur should dispose of both the cases. Accordingly, we set aside the order under appeal. There will be a direction to the Family Court, Thrissur to consolidate OP.No.745/2001 with OP.No.310/2003 and dispose of the same expeditiously.**

**The appeal is disposed of as above.**

**KURIAN JOSEPH, JUDGE.**

**T.R.RAMACHANDRAN NAIR, JUDGE.**

***Kvs/-***